

NSR Stakeholder Meeting Notes June 23, 2004 – Columbia, SC

Attendees:

Ted Bach, Russell Bailey, Liz Basil, Tracy Beer, Denise Boerst, Robbie Brown, Laura Dzamka, Tommy Flynn, Wilson Gautreaux, John Hursey, Courtney Kerwin, Duane Mummert, Jennifer O'Rourke, Heather Preston, Larry Ragsdale, Lisa Shelton, Henk van der Meyden, Richard Weber, Ben Williams, Scott Winburn, Jim Witkowski,

Discussion of Comment Response Document

Prior to the meeting, Department staff met to respond to comments submitted by the Chamber of Commerce – Technical Committee, South Carolina Pulp and Paper Association, Trinity Consultants, and Duke Power. The June 23, 2004 meeting was used to discuss these comments and responses.

Chamber of Commerce Technical Committee Comments

- There is still concern on part of stakeholders on deletion of malfunction provisions found in paragraphs (b)(4) and (b)(41). Robbie Brown stated that there is some concern that allowing malfunction emissions could cause some facilities to retroactively trigger PSD permitting. The Department believes that since a facility has to count malfunction emissions on the front and back end of the process, there is no advantage to calculating them.
- Robbie stated that it would be very difficult and time consuming to separate out malfunctions at CEMS capable facilities. Jim Witkowski stated that currently excess emissions are allowed. By including these, there is an incentive to lower emissions because the facilities can avoid PSD. Robbie stated that currently, no agencies in EPA Region 4 permit malfunction emissions. The standard permitting process is to permit normal operations and deal with excursions on a case-by-case basis. Excess emissions at PAL facilities are a different matter. They must account for all emissions generated at the facility in order to determine compliance with the established cap. The Chamber stated that malfunctions still should be allowed since emissions from startup and shutdowns are allowed. Robbie replied by stating that these are a part of normal operations and it is much easier to project the number of times a unit starts up and shuts down. There will have to be some guidance for what to do if a facility has a situation that will cause it to exceed the projected startups and shutdowns.
- The discussion led to concerns over Clean Units and Title V permits. The Department stated that facilities that wanted to use this test would not need an approval letter from the Department. However, the Department needs notice that the facility is designating a unit as a Clean Unit. South Carolina Pulp and Paper wanted to know if the designation was automatic and what type of modification to the Title V permit this would be. Robbie responded by saying that designation is automatic, and the Department believes that the change will be considered a minor modification. Various stakeholders were concerned about not getting an approval letter from the Department. Robbie responded by saying that 98% of the time, there should be no problem as long as the requirements are met. The Department will contact facilities that it disagrees with. Tracy Beer wanted to know if language could be put into the regulation so that a facility could request a determination on a proposed Clean Unit. Stakeholders generally agreed that this would add a layer of complexity to the regulation. Robbie responded by saying a facility can always request a determination without language being placed in the regulation.

- Other topics of discussion during the meeting included public participation requirements for Pollution Control Projects, exemptions of non-listed PCPs, and Plantwide Applicability Limitations.

- The last major topic discussed was the use of a unit's potential to emit for emission units at PAL facilities. Stakeholders wanted to be able to use a unit's PTE for any unit constructed after the selected two year baseline. The Department believes that this could lead to an allowables based PAL instead of an actuals based PAL that the EPA promulgated. Various scenarios were presented by the stakeholders, and the Department responded by saying that PALs are voluntary, and may not be a good choice for all facilities.

Next steps

- The stakeholders stated that they can support the current regulation. They however, have concerns over some of the provisions, but believe that these are philosophical differences that they can work with. The stakeholders are ready to move on to the nonattainment new source review regulation. This regulation is currently being reviewed by the EPA, and the stakeholders should be aware that large changes may have to be made to the regulation if EPA determines that certain parts are missing.

Website information

- Tommy Flynn informed the workgroup that the website will be operational this week. The address of the website will be e-mailed to the group when it becomes known.

Next Meeting

- July 28, 2004;

Comments for Next Meeting due: No comments will be submitted.